

Aug 28, 2019

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WASHINGTON

THE CONFEDERATED TRIBES AND
BANDS OF THE YAKAMA NATION,
a sovereign federally recognized Native
Nation,

Plaintiff,

v.

KLICKITAT COUNTY, a political
subdivision of the State of Washington;
KLICKITAT COUNTY SHERIFF'S
OFFICE, an agency of Klickitat County;
BOB SONGER, in his official capacity;
KLICKITAT COUNTY
DEPARTMENT OF THE
PROSECUTING ATTORNEY, an
agency of Klickitat County; and DAVID
QUESNEL, in his official capacity,

Defendants.

No. 1:17-CV-3192-TOR

JUDGMENT IN A
CIVIL CASE

THE COURT HAS ORDERED that declaratory judgment be entered in
favor of Plaintiff against all Defendants as follows:

1. Tract D, as surveyed by Cadastral Engineer Ronald Scherler and
approved by the United States in 1982, is located within the exterior
boundaries of the Yakama Reservation established by the Treaty of 1855.
The boundaries of the area of land referred to as Tract D are those surveyed
by E.D. Calvin in 1932, and by Ronald Scherler in 1982, within which there

1 are approximately 121,465.69 acres. Not all of Tract D falls within Klickitat
2 County.

3 2. Since Tract D is within the Yakama Reservation and the State of
4 Washington retroceded all jurisdiction concerning acts of Juvenile
5 Delinquency committed therein by Indians, state juvenile delinquency law
6 no longer applies to Indians within the Reservation, including Tract D.

7 3. Since Tract D is within the Yakama Reservation and the State of
8 Washington retroceded “in part, civil and criminal jurisdiction in Operation
9 of Motor Vehicles on Public Streets, Alleys, Roads, and Highways cases in
10 the following manner: Pursuant to RCW 37.12.010(8), the State shall retain
11 jurisdiction over civil causes of action involving non-Indian plaintiffs, non-
12 Indian defendants, and non-Indian victims; the State shall retain jurisdiction
13 over criminal offenses involving non-Indian defendants and non-Indian
14 victims.” Thus, traffic offenses committed by Indians are governed by
15 federal and tribal law, not state law.

16 4. Since Tract D is within the Yakama Reservation and the State of
17 Washington retroceded certain jurisdiction but retained jurisdiction in two
18 areas—over criminal offenses involving non-Indian defendants and over
19 criminal offenses involving non-Indian victims—accordingly, the State and
20 necessarily the Defendants here have criminal jurisdiction over offenses
21 committed by or against non-Indians within the Yakama Reservation,
22 including Tract D.

23 **THIS ACTION WAS** decided by Chief Judge Thomas O. Rice following
24 a bench trial held from July 29, 2019 through July 31, 2019.

25 DATED: August 28, 2019.

26 SEAN F. McAVOY
27 Clerk of Court

28 By: s/Linda Hansen
29 Deputy Clerk
30